

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

October 16, 2003

SUBJECT:

Special Exception Application SPX2003-00336

Applicant: Hebrew Home of Greater Washington, Inc.
6121 Montrose Road, Rockville, Maryland 20850

Counsel: Steven A. Robins, Lerch, Early, & Brewer Chartered
3 Bethesda Metro Center, Suite 460
Bethesda, Maryland 20854

Property
Location: 1801 East Jefferson Street, Rockville, Maryland 20852

Planning Commission Review Date: October 22, 2003
Board of Appeals Public Hearing Date: November 8, 2003

PREVIOUS RELATED ACTION:

Special Exception Application S-134-86 & Zoning Variance Application A-286-86, Hebrew Home of Greater Washington, Inc. – a request to redevelop the property located at (then) 300 Lorraine Drive, formerly the site of Congressional Elementary School. A proposal to develop an elderly housing complex. Zoning variance requested to allow the planned elderly housing facility to exceed the 35 feet height limit of the R-75 zone. Both applications approved and granted as requested by the Board of Appeals on November 6th 1986.

Use Permit U-386-87, Hebrew Home of Greater Washington, Inc. – a proposal to construct a 248 unit elderly housing facility on the subject property (then addressed as) 300 Lorraine Drive. Approved by the Planning Commission on June 3rd 1987.

Special Exception Application, S-202-93, Jefferson House Corporation & DBA Ring House Corporation – a request to continue operation of an adult day care center and installation of a freestanding building identification and site directional signs, and two building entrance façade canopy signs. Approved by the Board of Appeals on April 15th 1993.

Special Exception Application SPX2001-00302, Hebrew Home of Greater Washington, Inc. – a request to construct a new 99 unit, two and three story with a basement, assisted living facility on the subject property at 1801 East Jefferson Street. Approved by the Board of Appeals on June 7th 2001.

Use Permit USE2002-00640, Hebrew Home of Greater Washington, Inc. – a proposal to construct a new 99 unit, two and three story building facility, with a basement, assisted living facility, i.e., housing for the elderly and physically handicapped. Approved by the Planning Commission on May 8th 2002.

REQUEST:

In accordance with Section 25-296 and 339(c) of the Zoning Ordinance, the applicant seeks approval to construct a garden-pavilion building addition on the south side of the existing Ring House assisted living facility, located at 1801 East Jefferson Street. Under the subject request, the applicant plans to eliminate the dining room building addition that was approved under previously approved SPX2001-00302 and instead modify a portion of the building's lobby area and private dinning room, in order to expand the facility's main dinning room. The applicant also proposes to create two additional independent living units, thus increasing the number of Ring House living units from 248 to 250. Lastly, the applicant plans to install a diesel (fuel) tank near the trash dumpster located on the east side of the currently developing Landow House assisted living facility. The new diesel fuel tank is needed to power the Landow House's emergency generator. As proposed, the fuel tank will be located within a screen walled enclosure, similar to the abutting trash dumpster enclosure, being installed in that area of the site.

In order to construct the proposed new building addition, increase the number of living units, and other accompanying site improvements, the applicant requests the special exception and accompanying development proposal be approved as submitted.

STAFF RECOMMENDATION:

Approval is recommended subject to the following conditions:

1. The planned building and site improvements must be implemented in substantial accordance with the site development and building plans submitted with the subject application request, prepared by Site Solutions, Inc. and Perkins Eastman Architects PC respectively.
2. The exterior façade of the proposed new garden pavilion building addition must be constructed of building materials, compatible in make, color, and quality to that of the existing Ring House elderly housing facility.
3. The enclosure in which the proposed diesel fuel tank is to be located must be constructed of materials compatible in make, color, and quality to that of the existing Ring & Landow House building facilities.
4. A stormwater management concept plan must be submitted to the City's Public Works Department (DPW) for review and approval. Note, a stormwater concept plan must be submitted prior to use permit approval.

Provide for additional impervious area via monetary contribution. Impervious area must be shown on the concept plan.

5. Bonds must be posted and applicable permits obtained as maybe required by DPW.
6. Substitute winged euonymus and spirea japonica for non-invasive species. These plants are listed on the Maryland –Department of Natural Resources list of invasive plants and are unacceptable for planting.
7. Applicant must file and obtain a use permit amendment, i.e., development plan/s to amend/update the site's previously approved Use Permit USE2002-00640.

ANALYSIS:

Property Use & Description

The subject property is located on the southwest corner of East Jefferson Street and Lorraine Drive. The site is approximately 9.9 acres \pm in size and is surrounded by a mixture of land uses, i.e., residential, commercial, and institutional. The property is bound to the north and west by single family detached dwellings that access Lorraine Drive and Lorre Drive respectively, south by the Jewish Day School which is located in Montgomery County, and to the east by a shopping center (1776 Plaza) which is also located in the county.

The property is currently improved with an elderly housing complex known as the Ring House, comprising 248 living units. The existing facility comprises approximately 274,000 square feet of gross floor space, and contains 200 one-bedroom units and 48 two-bedroom living units. Of the 248 units, 211 are designated as independent living units and 37 are assisted living units. Note, the 37 assisted living units now located in the Ring House are to be transferred the Landow House building facility, once that facility is constructed and ready for occupancy.

The existing building facility is six-stories in height in the front and seven-stories in the rear. Building amenities include but are not limited to the following: formal dining room, commercial style kitchen where food preparation staff prepare residents meals, a physician's office and the Hirsh health care center, craft rooms, beauty/barber shop, convenience store, social hall, sitting room, snack bar, and meeting rooms.

The facility also has a library, exercise room, wellness center, activity rooms, and a movie room with large screen television. As a part of its continuum of care, the applicant (the Hebrew Home) operates the Misler adult day care facility out of the south wing of the Ring House, on the terrace level of the facility. When it was approved under previously approved Special Exception S-202-93, it was noted that the center occupied approximately 6,200 square feet of floor space within the facility. The day care program provides therapeutic recreational activities for those adults that need medical supervision and structured daily activities. The center is designed to serve 75 adults.

Currently, there are walking paths and outdoor seating areas on site, that enable residents, staff, and visitors, to enjoy the outdoors on days when weather permits. Each residential unit in the Ring House is equipped with an emergency alert system monitored 24 hours a day, bathrooms with safety features, and individual climate controls that allow residents to regulate heating and cooling of their units.

The Ring House elderly housing facility fronts East Jefferson Street. Prior to the completion of the Landow House facility, there are 205 on-site surface parking spaces to accommodate staff, visitors, and residents who own/maintain personal vehicles. Vehicular access to the site is provided via site entrances onto East Jefferson Street, located at the northeast and southeast front property corners of the site (See Exhibits 5 & 6). The existing property contains an array of vegetative materials ranging in species in size. The property is relatively flat but slopes gradually from the north to the southeastern area of the site.

When the Ring House facility's use permit (U-386-87) was originally approved in 1987, it was expected there would be a minimum of twelve employees needed to staff each designated work shift. According to information provided with the site's most recently approved use permit (USE2002-00640) approved by the Planning Commission on May 8th 2002, staffing for the Ring House was as follows: 31 employees on the day shift, 17-18 employees on the evening shift, and a single employee on the night shift.

The Landow House facility, which is currently under construction, will be located in the western area of the site, i.e., in the rear of the Ring House facility. The new assisted living facility (when fully built-out) will have a total of 99 units. The new building as designed is a multi-winged facility, much smaller in scale and size than the existing Ring House. The Landow House assisted living facility is being constructed in two phases. Under the first phase, 60 units will be constructed (i.e., 54 one-bedroom and 6 two-bedroom units) and under the second and last phase 39 (one-bedroom) units will be completed. The applicant has affirmed that phase two of the project is to be completed at a later date, when the capital funds are available to move forward with full project completion. The new facility will be a two and three story (with basement) building facility (ref. SPX2001-00302 and USE2002-00640).

The applicant expects the facility will be staffed by a minimum of 20 employees on the day and evening work shifts, a lesser number of employees on the late night shift. It is likely there will be some overlap in the number of employees on site, around the time when employees arrive and depart the facility. It is expected that the new assisted living facility will be staffed by the following types of employees: a) Director of Assisted Living, b) Administrative Assistant) c) Front Desk Receptionist) d) Activities Coordinator, e) Driver, f) Dietary/Housekeeping and g) Licensed Practical Nurse, h) Certified Medical Aide, and, i) Geriatric Nursing Assistants.

Proposed Site Use & Project Proposal

The Landow House building facility will have a total gross floor area of approximately 124,500 square feet, a lot coverage of 8.9 percent, and not exceed 35 feet in height. As noted, the

applicant plans to relocate the 37 assisted living units now located in the Ring House to Landow House, thus converting said 37 units in the Ring House to independent living units. As previously noted, the Ring House currently contains 200 one-bedroom independent living units and 48 two-bedroom living units. Of the 248 units, 211 are designated as independent living units, and 37 are assisted living units.

In conjunction with the construction of the new 99-unit assisted living facility and other site improvements, currently being constructed on the subject site (approved under previously approved SPX2001-00302 and USE2002-00640), the applicant now seeks special exception approval to implement of the following site and building improvements: a) construction of a 600 square foot garden pavilion on the front southeast corner of the Ring House elderly housing building facility, b) elimination of the 2,200 square foot (one story) dining room addition approved under grant of SPX2001-00302, and instead, modify a portion of the building's lobby area and private dining room, so as to create additional space in the facility's main dining room, c) enlarge the facility's fitness room by removing a wall and some hall space, d) create two (2) new one-bedroom independent living units, thus increasing the number of living units in the Ring House from 248 to 250, and e) install a diesel fuel storage tank, surrounded by a screened wall enclosure, located on the east side of the newly developed Landow House. The aboveground storage tank will house diesel fuel used to power the Landow House's emergency generator, which will be located on the roof of the assisted living facility.

While this requests is deemed to be a modification of the previously approved special exception, it does not alter or revise any of the building and site improvement plan/s that were approved under SPX2001-00302. Also, in accordance with the site's previously approved special exception, the applicant will modify and widen the site's northern most driveway entrance and eliminate several parking spaces in order to create a defined travelway that provides direct vehicular access to the new Landow House facility (See Exhibit 5).

In accordance with Section 25-395 (20) of the Zoning Ordinance, a total of 116 parking spaces are required for both the existing and proposed site facilities. The existing Ring House facility requires a total of 83 spaces while the new Landow House building facility requires 33. A total of 216 parking spaces will be provided, i.e., 180 spaces for Ring House and 36 spaces for the proposed Landow House. New sidewalk will be installed that allows for safe pedestrian access from East Jefferson Street to both the existing and planned residential building facilities.

Under the subject proposal, the applicant also submits a landscape plan at this initial stage in the development review process, a plan that reflects additional planting in and around the proposed garden pavilion building addition. Any/all vegetative materials and/or trees removed to accommodate the planned site/building improvements will be replaced. The site currently has a valid and approved Forest Conservation Plan (FCP). Based on the modest amount of site area that will be disturbed under the subject proposal, there is no indication at this stage in the development review process that the applicant will be required to amend the site's approved FCP.

In order to implement the building and other site improvements as referenced herein, the applicant seeks approval of the subject special exception as submitted.

Applicable Sections of the Zoning Ordinance & Staff Assessment

In accordance with Section 25-338 of the Ordinance the Board of Appeals shall not grant any petition for special exception unless it finds from a preponderance of the evidence of record that:

1. The proposed use does not violate or adversely affect the Master Plan (the Plan), the Zoning Ordinance or any other applicable law; and

With the exception of the proposed garden pavilion, all other building improvements are internal to the building. The installation of the above ground fuel tank is not deemed to be an expansion or modification to either the existing or developing building facilities. The fuel storage tank is an ancillary component to the back up generator for the electrical power supply, vital to the daily operation of the building facility. The proposed site and/or building improvements do not violate or adversely affect the Zoning Ordinance, the Master Plan, or other applicable law.

The Hebrew Home of Greater Washington, Inc. a non-profit organization is seeking a special exception to implement the improvements as referenced in this staff report. The owner of the property, Montgomery County, has authorized the applicant's processing of this special exception request. The property is the site of the former Congressional Elementary School, which ceased to exist in July 1982. Based on available city records, in 1984, as part of Montgomery County's School Reuse Policy and Procedures, the Mayor and City Council developed a list of acceptable uses for the subject property. Among the list of possible re-uses for the subject property was "all use permitted in the R-75 Zone of the city including special exception uses."

In November 1986, the applicant was granted special exception approval (S-134-86) to develop the property for use and operation of a 249 unit elderly housing complex. In 1988 the Ring House was built under provisions of a long-term lease agreement with Montgomery County in accordance with Special Exception S-134-86.

The applicant's most recently approved special exception SPX2001-00302, was approved by the Board of Appeals on June 7th 2001. As noted through out this report, said approval allowed for the development of the Landow House, a 99-unit assisted living facility, currently being constructed in the western portion of the subject property. The Board of Appeals in its approval, found the new assisted living facility to be an extension of the current use of the property and as such, did not violate or adversely affect the City's Master Plan (the Plan). The Plan's land use designation of the site is for "institutional" land usage. Hence, the applicant's request then and now, only seeks to further enhance the operation of the existing Ring House facility and aide in the operation of the newly developing Landow House assisted living facility.

The applicant continues to affirm that site use/s will be operated generally in accordance with all of the findings of fact associated with previously approved S-134-86 and SPX2001-00302, as well as all current requirements of the ordinance, and findings of fact needed for the approval of the subject request.

By allowing housing for the “elderly and physically handicapped uses in respective residential zones as special exception land uses it is inferred from the Ordinance that such uses are appropriate if it can be demonstrated the use will not be adverse to existing or potential land uses in the zoned area. Based on available information the request and development proposal does not violate any known laws and/or requirements of the Ordinance.

2. The proposed use at the location will not: a) Adversely affect the health and safety of residents or workers in the area; or b) Overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements; or c) Be detrimental to the use or development of adjacent properties or the neighborhood; and d) Change the character of the neighborhood in which the use is proposed, considering services currently required, population density, character and number of similar uses.

The scale of the planned site and building improvements are modest. The applicant affirms that the proposed garden pavilion is being constructed to provide residents with an enclosed garden area where they can sit and enjoy the company of others, while surrounded by plants and flowers, year round. The new garden pavilion building addition is to be constructed of building materials compatible in make, color and quality to that of the existing building. At this stage in the development review process, there is no evidence the 600 square foot building addition will alter site drainage patterns or be adverse to neighboring land uses.

Relative to the applicant’s proposal to increase the number of living units in the Ring House from a total of 248 to 250, staff concurs with the applicant’s traffic consultant, that creating two new living units will not create nor generate substantive new vehicular traffic from the subject facility. Based on available information most residents are unlikely to drive or own motor vehicles, thus vehicular traffic generated by the site use/s will be that created by staff, visitors, and those engaged in the delivery of goods and service to the site. As noted, the site has direct vehicular access onto East Jefferson Street, which is classified as a business district roadway (south of Congressional Lane to the City/County limits).

Staff has found no evidence that the addition of two (2) new independent living units will require any retrofit or upgrade to existing public utilities that serve the subject facility. The applicant’s proposal to eliminate the approved 2,200 square foot dining room building addition as approved under SPX2001-00302, and instead modify existing lobby space and a portion of the existing private dining room, are all designed to accommodate residents of the Ring House and limit the amount of site disturbance created by the planned site and building improvements. While the applicant has included the planned enlargement of the facility’s fitness room in the subject request, this improvement is also deemed to be modest in scope, in that the enlargement will be accomplished by moving a wall and a portion of a hallway. Lastly, the above ground fuel

storage tank which is being located on east side of the new Landow House facility, is needed to provide fuel to the backup generator that will be located on the roof of the Landow House. It is to be fully screened by a masonry wall enclosure, similar to the abutting trash dumpster enclosure that will be located in that area of the site.

The elderly housing complex is served by existing public water and sewer, which is currently located within the abutting site frontage rights-of-way, i.e., East Jefferson Street and Lorraine Drive. During the project's use permit amendment review stage, the applicant will be required to submit a stormwater management (SWM) concept plan for the planned garden pavilion, to insure that the planned site development fully complies with requirements of the City.

Based on the information and evidence as provided, the garden pavilion addition, the addition of two new living units, and accompanying site/building improvements will not a) adversely alter the character of the site area, b) reduce or impede the delivery of services and/or goods within the site area, and/or c) significantly increase population densities.

3. The proposed use complies with all requirements of the Ordinance that are applicable thereto.

In accordance with Section 25-296 of the Ordinance, "housing for the elderly and physically handicapped" is permitted in the R-75 Zone by grant of special exception. Staff notes that the proposed site and building improvements are modest in scale and serve only to enhance the elderly housing facilities that are subject to this request. All proposed improvements comply with applicable development standards of the R-75 zone. Submission of the request and accompanying development proposal demonstrates the applicant's attempts to comply with all applicable requirements of the Ordinance.

Lastly, in addition to the above noted findings, ***the Board of Appeals must make the following additional required findings as per Section 25-361 of the Ordinance:***

(b)(1) That the use will not constitute a nuisance because of traffic; and (b)(2) That the site proposed for such use is located sufficiently close or accessible to a general commercial or convenience goods shopping center to adequately meet the needs of the residents of such use.

Staff concurs with the applicant's traffic consultant that the addition of two (2) new living units will not generate additional vehicular traffic that would adversely impact or overburden site area roadways. Vehicular access to the subject site will continue to be provided via East Jefferson Street. Although the proposed Landow House assisted living facility will front Lorraine Drive, there will be no vehicular access to that street. As previously noted staff, visitors, and those providing goods and other services to both site facilities will create the bulk of vehicular traffic that will be generated by the site uses. While the Ring House facility is primarily and will become an independent living facility, the applicant affirms that very few residents living at the Ring House drive and maintain their own private vehicles. When compared to residents of the Ring House, residents that will reside in the Landow House assisted

living facility are even less likely to own, drive, and/or maintain a private vehicles onsite. It is assumed that the majority of residents that will live at Landow House will be primarily dependent on staff, family, and/or friends for providing and/or assisting them in their off-site shopping needs.

However, for those residents who are physically able to walk and/or drive, there is retail shopping located across East Jefferson Street in the 1776 Plaza retail center. Additionally the Hebrew Home provides transportation services for its residents, which will also be available for residents of both Landow and the Ring House. As referenced in the subject application request, both housing complexes offer and/or will offer its residents a variety of services which include but are not limited to the following: beauty salon and barber services, on-site convenience shop, dining facilities, etc. Such on-site services help reduce residents dependence on the need for outside shopping.

Due to the advanced age and physical health of residents that will live at Landow House, it is highly unlikely that many will be able to carry on unassisted routine off-site shopping activities.

(c)(1) The proposed site use must have and comply with the following additional development standards: a) be located on a record lot of at least two acres; b) have lot frontage of at least one hundred feet; c) maintain building setbacks of at least 50 feet in the front and rear yards, and at least 30 feet in the side yards; and d) a minimum lot area of 1,000 square feet per dwelling unit.

The subject property is approximately 9.9 acres in size, and has lot frontage on East Jefferson Street (500 feet) and lot frontage along Lorraine Drive (675 feet). The Landow House facility will maintain a front setback of 165 feet from its Lorraine Drive front lot line, a west side yard setback of 31 feet, and a rear yard setback of 54 feet. The Ring House is setback 85 feet from East Jefferson Street, well over 110 feet from either side yard lot lines, and over 200 feet from its rear (western) lot line.

Ring House has a total of 248 living units and Landow House will have 99 living units, both combined total 347 living units. The subject property is approximately 432,045 square feet (9.9 acres) in size, well in excess of the minimum 347,000 square foot lot area requirement as specified under the above #(c)(1)(d).

Based on all of the noted factors, staff finds reasonable justification to recommend Special Exception Application SPX2003-00336 be approved subject to the conditions as referenced on page two and three of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to abutting property owners informing them of the application request and pending Planning Commission meeting and Board of Appeals public hearing, at which time/s the request will be publicly heard and considered. Notices were sent to 362

property owners located within the site area. A list of addressees is maintained in the project's file, available for public review and inspection.

/cdc

Attachments

Attachment "A" – Authorization Letter

Attachment "B" – Traffic Statement

Attachment "C" – SPX2001-00302 Approval Letter

Attachment "D" – S-202-93 Approval Letter

Attachment "E" –S-134-86 Approval Letter

Exhibit "1" – Building Addition & Dining Room Plans

Exhibit "2 thru 4" – Existing Floor Plans

Exhibit "5" – Proposed Site Plan

Exhibits "6" – Proposed Landscape Plan